




The Court does believe, however, that bifurcation of the bench trial set for May 5, 2008 is convenient, would serve to expedite and economize this case, and is in the interest of justice. *See Lindsey v. Prive Corp.*, 161 F.3d 886 (5th Cir. 1998); FED. R. CIV. P. 42(b)) (the Court may order a separate trial “for convenience, to avoid prejudice, or to expedite and economize.”); 9A CHARLES ALAN WRIGHT & ARTHUR R. MILLER, FEDERAL PRACTICE & PROCEDURE § 2388 (“The major consideration, of course, must be which procedure is more likely to result in a just and expeditious final disposition of the litigation.”). The question of bifurcation is “a matter left to the sound discretion of the trial court on the basis of the circumstances of the litigation before it” and a motion to bifurcate “is not subject to any particular time constraint.” WRIGHT & MILLER § 2388. Although bifurcation is an exception to the normal rule of trial procedure, this case involves exceptional circumstances that justify dividing the trial into a liability and damages phase. Among other things, bifurcation will allow the Fifth Circuit to decide with finality any questions regarding the exercise of jurisdiction over Defendants and the Court’s interpretation and application of Mexican law in the liability phase before parties and the Court must incur the additional time and cost that will be required to litigate damages.<sup>1</sup>

Defendants’ Motion for Reconsideration is therefore **DENIED**, and Defendants’ request to bifurcate is **GRANTED**.

**IT IS SO ORDERED.**

**SIGNED** this 29<sup>th</sup> day of April, 2008.

  
 KEITH P. ELLISON  
 UNITED STATES DISTRICT JUDGE

<sup>1</sup> This case requires the Court to interpret and apply Mexican law, and parties dispute issues as basic as the standard of proof that should apply in the case. It appears that some of these questions, including the standard of proof, may have the greatest bearing in the damages phase of the trial. Parties agree that the bulk of this lawsuit will be devoted to damages.